



#3

PATENT

Applicant: RANDALL G. MUTTERS; JAMES W. ECKERT  
Serial No.: 09/778,595  
Filed: FEBRUARY 6, 2001  
Title: METHOD AND APPARATUS FOR DETERMINING PLANT NUTRIENT STATUS  
Group:  
Examiner:  
Docket No. UC2001-209-1

## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, SUPPLEMENTAL, NATIONAL STAGE OF PCT, DIVISIONAL,  
CONTINUATION OR CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original (regular)
- ☐ design
- ☐ supplemental-continuation of PCT Application in the U.S.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part, do not check the next item; check appropriate one of last three items.

- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

### INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all of the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention described in

### SPECIFICATION IDENTIFICATION

- ☐ the specification filed herewith by the above-named inventors, with the title listed above.
- ☐ the specification filed herewith by the above-named inventors, with the title listed above, and which was amended by the Preliminary Amendment filed herewith.
- ☐ the specification identified above, as amended by the Preliminary Amendment filed herewith.
- ☒ the specification identified above, and which was amended on N/A.
- ☐ PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_, and amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or under 35 U.S.C. § 365(b) of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☒ no such applications have been filed.
- ☐ such application have been filed as follows.

### PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	FILING DATE (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications (s) listed below:

PROVISIONAL APPLICATION SERIAL NUMBER      FILING DATE OF PROVISIONAL APPLICATION


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATIONS**  
**UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional, continuation, CIP or national stage of PCT)

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability under 37 C.F.R. § 1.56, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS**  
**DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

**1. U.S. Applications:**

SERIAL NUMBER	FILING DATE

**2. PCT Applications Designating The U.S.**

PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER

### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

John P. O'Banion  
James M. Ritchey  
Steven L. Smith  
Rodger H. Rast

Registration No. 33,201  
Registration No. 32,594  
Registration No. 44,343  
Registration No. 45,853

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney to accept and follow instructions from my representative(s).

#### SEND CORRESPONDENCE TO:

John P. O'Banion  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814

#### DIRECT TELEPHONE CALLS TO:

John P. O'Banion  
(916) 498-1010

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Full name of sole or first inventor:

RANDALL G. MUTTERS

Inventor's Signature: \_\_\_\_\_

*R. Mutters*

Date: \_\_\_\_\_

4-11-01

Country of Citizenship: UNITED STATES

Residence: \_\_\_\_\_

CHICO, CALIFORNIA

P.O. Address: \_\_\_\_\_

1033 WEST LINDO AVENUE  
CHICO, CA 95926

Full name of second joint inventor, if any:

JAMES W. ECKERT

Inventor's Signature: \_\_\_\_\_

*James W. Eckert*

Date: \_\_\_\_\_

4-11-01

Country of Citizenship: UNITED STATES

Residence: \_\_\_\_\_

CHICO, CALIFORNIA

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133 WEST 12<sup>TH</sup> STREET  
CHICO, CA 95928

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART  
OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or  
incapacitated inventor.  
Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized  
under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by one joint inventor on behalf of deceased inventor(s) where legal  
representative cannot be appointed in time under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ This Declaration ends with this page.



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For: METHOD AND APPARATUS FOR DETERMINING PLANT NUTRIENT STATUS  
Group:  
Examiner:

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints

**John P. O'Banion, Reg. No. 33,201**

as its attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_\_/\_\_\_\_\_.

☒ is submitted herewith for recording.

Please direct all telephone calls to John P. O'Banion at (916) 498-1010 and all correspondence relative to said application to the following address:

**John P. O'Banion, Esq.  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814**

Dated: April 16, 2001.

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: Linda S. Stevenson

Typed Name: Linda S. Stevenson

Title: Manager, Patent Prosecution  
Office of the President  
University of California  
1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, CA 94607-5200

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Examiner:

**ASSIGNEE CERTIFICATION UNDER 37 C.F.R. 3.73(b)**

In accordance with 37 C.F.R. 3.73(b), the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of the assignee's knowledge and belief, title is in the assignee seeking to take this action.

Dated: April 16, 2001.

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: 

Typed Name: Linda S. Stevenson

Title: Manager, Patent Prosecution  
Office of the President  
University of California  
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Oakland, CA 94607-5200